

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 4/7/2015	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a resolution vacating a mapped portion of Avocado Avenue (formerly Ash Street) between Tefft and Dana Street by Summary Vacation in the unincorporated community of Nipomo, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Adopt the attached resolution vacating a mapped portion of Avocado Avenue (formerly Ash Street) between Tefft and Dana Street by Summary Vacation in the unincorporated community of Nipomo, as it has been determined to be unnecessary for present or prospective use; and 2. Find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). 			
(6) FUNDING SOURCE(S) Reimbursement Agreement	(7) CURRENT YEAR FINANCIAL IMPACT \$756.00	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW David E. Grim			
(18) SUPERVISOR DISTRICT(S) District 4			

Reference: 15APR07-C-1

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Phil Acosta, Right of Way Agent

VIA: Dave Flynn, Deputy Director of Public Works

DATE: 4/7/2015

SUBJECT: Submittal of a resolution vacating a mapped portion of Avocado Avenue (formerly Ash Street) between Tefft and Dana Street by Summary Vacation in the unincorporated community of Nipomo, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 4.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the attached resolution vacating a mapped portion of Avocado Avenue (formerly Ash Street) between Tefft and Dana Street by Summary Vacation in the unincorporated community of Nipomo, as it has been determined to be unnecessary for present or prospective use; and
2. Find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA).

DISCUSSION

The described portion of Avocado Avenue is an unimproved right of way established under a map recorded in 1887. The property owners adjoining the described area initiated the proposed vacation in order to clarify real property rights related to their property. It has been determined that the described portion of Avocado Avenue has never been improved as a roadway nor entered into the County Maintained Road System. Public Works staff recommends this vacation as the area is unnecessary for present or prospective use.

Exhibit "A" of the resolution provides the complete legal description of the area to be abandoned.

Your approval of the recommended action will vacate the public interest that may have been created by the mapping of the described portion of Avocado Avenue. The described area has been impassable for vehicle travel for a period exceeding five consecutive years and no public funds have been expended for the maintenance thereof. The Streets and Highways code allows for Summary Vacation under these circumstances.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the attached resolution as to legal form and effect.

A General Plan Conformity Report pertaining to the vacation was received and filed by the Planning Commission at its regular meeting of February 26, 2015.

The County Environmental Coordinator has reviewed the project and determined that it is exempt from the requirements of the California Environmental Quality Act.

FINANCIAL CONSIDERATIONS

No direct financial impact is expected to result from the recommended Board action.

The applicants have entered into a reimbursement agreement with the department to cover staff costs related to the processing of their request. The County has been reimbursed for staff time related to this request, to date, in the amount of \$756.00.

RESULTS

The recommended action will clarify real property rights by eliminating unnecessary real property encumbrances, leading to a better governed community.

File: R/W file 405R970142 (Avocado Ave – Hermreck)

Reference: 15APR07-C-1

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ATTACHMENTS

1. Vicinity Map and Aerial Map
2. Notice of Exemption
3. Resolution Vacating a Mapped Portion of Avocado Avenue (Formerly Ash Street) Between Tefft and Dana Street by Summary Vacation in the Unincorporated Community of Nipomo.